

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 5:18-CR-094
)	
Plaintiff,)	
)	CHIEF JUDGE PATRICIA A. GAUGHAN
v.)	
)	
DONTE L. GIBSON,)	
)	
AUDREY J. GIBSON, aka AUDREY J.)	
MARTIN, and)	
)	
LORI E. MARTIN,)	
)	
Defendants.)	FINAL ORDER OF FORFEITURE

It appears to the Court that proper proceedings for the issuance of this Final Order of Forfeiture have been had in this case as follows:

1. By the Preliminary Order of Forfeiture (R. 98, at pp. 6-7), filed on October 11, 2018, this Court ordered:

a.) Under 21 U.S.C. § 853(a)(1) (drug proceeds), the following properties were forfeited to the United States for disposition in accordance with law, subject to the provisions of 21 U.S.C. § 853(n):

- \$148,400.00 U.S. Currency seized on February 8, 2018, at 80 West Waterloo Road, Akron, Ohio (storage unit: M42A).
- A total of \$12,461.00 U.S. Currency seized on February 8, 2018, at 2946 Popham Street, Akron, Ohio.

- \$19,960.00 U.S. Currency seized on February 8, 2018, at a residence located on Greenbay Drive, Barberton, Ohio.
- Proceeds in the amount of \$34,479.96 recovered from Community Hall Foundation (dba The Civic) on or about June 8, 2018.¹
- 0.422851 bitcoin (valued at approximately \$2,600.11 on August 14, 2018) stored in an application on an i-Phone recovered on February 8, 2018, at 2946 Popham Street, Akron, Ohio. The bitcoin was found in a bitcoin.com cell phone application under the wallet name “Personal Wallet” with a Wallet ID ending xxxxx35bead1.

b.) Under 21 U.S.C. § 853(a)(2) (drug facilitation), the following properties were forfeited to the United States for disposition in accordance with law, subject to the provisions of 21 U.S.C. § 853(n):

- 29 round empty magazine and (29) .40 caliber rounds in box, seized on February 8, 2018, at 2946 Popham Street, Akron, Ohio.
- 22 round magazine with (12) rounds of .40 caliber ammunition, seized on February 8, 2018, at 2946 Popham Street, Akron, Ohio.

c.) Under 21 U.S.C. § 853(a)(1) (drug proceeds) and 18 U.S.C. § 982(a)(1) (money laundering), the following properties were forfeited to the United States for disposition in accordance with law, subject to the provisions of 21 U.S.C. § 853(n):

- \$42,230.79 seized on or about April 18, 2018, pursuant to the execution of a federal seizure warrant. The seizure warrant was executed against The RealReal User Account Identification Number xxx2598 in the name of AUDREY GIBSON.
- 2946 Popham Street, Akron, Ohio, Permanent Parcel Number: 6800487. The legal description of the property is as follows: Situated in the City of Akron, County of Summit, and State of Ohio: And known as being the Easterly 60 feet between parallel lines of Lot Number Eight Hundred Eighty-three (883), plus the Easterly 60 feet between parallel lines of Lot Number Eight Hundred Eighty-four (884), plus the Easterly 60 feet between parallel lines of Lot Number Eight

¹ The Akron Civic Theatre has stated an interest in this \$34,479.96 to the extent of \$1,232.00. As set forth at page 6 (footnote 4) of the Preliminary Order of Forfeiture (R. 98), “it is the intent of the United States to recognize this interest (\$1,232.00) in the final order.”

Hundred Eighty-five (885), except the Northerly 33 feet front and rear of Lot Number Eight Hundred Eighty-five (885), in the William A. Johnston's Coventry Allotment No. 2, as recorded in Plat Book 26, Pages 65-75 inclusive, Summit County Records.

2. Following the entry of a preliminary order of forfeiture, the United States is required to “publish notice of the order and of its intent to dispose of the property in such manner as the Attorney General may direct.” *See*, 21 U.S.C. § 853(n)(1).

3. In accordance with 21 U.S.C. § 853(n)(1) and Rule 32.2(b)(6)(C) of the Federal Rules of Criminal Procedure, notice of the Preliminary Order of Forfeiture (R. 98) was posted on an official government internet site for at least 30 consecutive days, beginning on October 30, 2018 and ending on November 28, 2018.

4. No third party claims to the subject properties were made as a result of the internet notification. (Docket Report.) ²

5. Based upon the foregoing, and in accordance with 21 U.S.C. § 853(n)(7), this Final Order of Forfeiture is entered as follows: ³

² Defendant Lori E. Martin is the record owner of the real property located at 2946 Popham Street, Akron, Ohio, Permanent Parcel Number: 6800487. In her written plea agreement (R. 87), defendant Martin agreed that this property is subject to forfeiture under 18 U.S.C. § 982(a)(1) as it was involved in the offense (money laundering conspiracy) charged in Count 13 of the Superseding Indictment, or is traceable to such property. Frank Martin, the husband of defendant Lori Martin, is a potential third party claimant to the property. As set forth at ¶ 8 of the Preliminary Order of Forfeiture (R. 98), Frank Martin has entered into an Agreement (R. 95-2) concerning the property. In the Agreement, Frank Martin consented to the forfeiture of the property, and agreed that he will not contest the forfeiture action instituted by the United States against it. Also, as part of their respective plea agreements, defendants Donte L. Gibson (R. 80) and Audrey J. Gibson, aka Audrey J. Martin (R. 81), agreed to the forfeiture of the property under 21 U.S.C. § 853(a)(1) (drug proceeds) and 18 U.S.C. § 982(a)(1) (money laundering).

³ In this regard, it is noted that defendants Donte Gibson, Audrey Gibson, and Lori Miller each has consented, pursuant to Rule 32.2(b)(4)(A) of the Federal Rules of Criminal Procedure, that the forfeiture of the above-described properties would become final as to them

IT IS ORDERED, ADJUDGED, AND DECREED:

6. As set forth above, proceeds in the amount of \$34,479.96 were recovered from Community Hall Foundation (dba The Civic) on or about June 8, 2018. By this Final Order of Forfeiture, \$33,247.96 of this \$34,479.96 is finally forfeited to the United States under 21 U.S.C. § 853(a)(1) (drug proceeds), and no right, title, or interest shall exist in any other party.

7. The United States shall seize and take control of the \$33,247.96, and shall dispose of it in accordance with law.

8. Upon entry of this Final Order of Forfeiture, the United States shall return the following property to The Akron Civic Theatre:

- The remaining \$1,232.00 of the \$34,479.96 recovered from Community Hall Foundation (dba The Civic) on or about June 8, 2018.

9. The following properties are finally forfeited to the United States under 21 U.S.C. § 853(a)(1) (drug proceeds), and no right, title, or interest shall exist in any other party:

- \$148,400.00 U.S. Currency seized on February 8, 2018, at 80 West Waterloo Road, Akron, Ohio (storage unit: M42A).
- A total of \$12,461.00 U.S. Currency seized on February 8, 2018, at 2946 Popham Street, Akron, Ohio.
- \$19,960.00 U.S. Currency seized on February 8, 2018, at a residence located on Greenbay Drive, Barberton, Ohio.
- 0.422851 bitcoin (valued at approximately \$2,600.11 on August 14, 2018) stored in an application on an i-Phone recovered on February 8, 2018, at 2946 Popham Street, Akron, Ohio. The bitcoin was found in a bitcoin.com cell phone application under the wallet name "Personal Wallet" with a Wallet ID ending xxxxx35bead1.

upon the Court's entry of the Preliminary Order of Forfeiture. *See*, R. 98: Preliminary Order of Forfeiture, at p. 5, ¶ 7.

10. The United States shall seize and take control of these properties, and shall dispose of them in accordance with law.

11. The following properties are finally forfeited to the United States under 21 U.S.C. § 853(a)(2) (drug facilitation), and no right, title, or interest shall exist in any other party:

- 29 round empty magazine and (29) .40 caliber rounds in box, seized on February 8, 2018, at 2946 Popham Street, Akron, Ohio.
- 22 round magazine with (12) rounds of .40 caliber ammunition, seized on February 8, 2018, at 2946 Popham Street, Akron, Ohio.

12. The United States shall seize and take control of the magazines/ammunition, and shall dispose of them in accordance with law.

13. The following property is finally forfeited to the United States under 21 U.S.C. Section 853(a)(1) (drug proceeds) and 18 U.S.C. Section 982(a)(1) (money laundering), and no right, title, or interest shall exist in any other party:

- \$42,230.79 seized on or about April 18, 2018, pursuant to the execution of a federal seizure warrant. The seizure warrant was executed against The RealReal User Account Identification Number xxx2598 in the name of AUDREY GIBSON.

14. The United States shall seize and take control of the \$42,230.79, and shall dispose of it in accordance with law.

15. The United States shall seize and take control of the following property, and it hereby is finally forfeited to the United States under 21 U.S.C. § 853(a)(1) (drug proceeds) and 18 U.S.C. § 982(a)(1) (money laundering), and no right, title, or interest shall exist in any other party:

- 2946 Popham Street, Akron, Ohio, Permanent Parcel Number: 6800487. The legal description of the property is as follows: Situated in the City of Akron, County of Summit, and State of Ohio: And known as being the Easterly 60 feet between parallel lines of Lot Number Eight Hundred Eighty-three (883), plus the Easterly 60 feet between parallel lines of Lot Number Eight Hundred Eighty-four

(884), plus the Easterly 60 feet between parallel lines of Lot Number Eight Hundred Eighty-five (885), except the Northerly 33 feet front and rear of Lot Number Eight Hundred Eighty-five (885), in the William A. Johnston's Coventry Allotment No. 2, as recorded in Plat Book 26, Pages 65-75 inclusive, Summit County Records.

16. The United States shall dispose of this property in accordance with law and, particularly, the proceeds of the sale of the property shall be paid as follows:

a.) To the United States Marshals Service for the payment of all reasonable expenses incurred in the rehabilitation/preservation of the property pending its sale, and for payment of the reasonable costs of the sale of the property.

b.) All outstanding property taxes.

c.) Other encumbrances, if any, due and owing in accordance with federal law.

d.) The balance of the sale proceeds remaining after the above disbursements shall be paid/forfeited to the United States.

SO ORDERED this 7th day of January, 2019.

/s/ Patricia A. Gaughan

Patricia A. Gaughan, Chief Judge
United States District Court, N.D. Ohio